

1 The Honorable Barbara J. Rothstein
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 TELEBUYER, LLC,

11 Plaintiff,

12 v.

13 AMAZON.COM, INC., AMAZON WEB
SERVICES LLC, and VADATA, INC.,

14 Defendants.

16 AMAZON.COM, INC., AMAZON WEB
SERVICES LLC, and VADATA, INC.,

17 Counterclaimants,

18 v.

19 TELEBUYER, LLC,

20 Counterclaim-
21 Defendant.

Case No. 2:13-cv-01677-BJR

**AMAZON'S MOTION TO SEAL
AMAZON'S OBJECTIONS TO
TELEBUYER'S PROPOSED
TECHNICAL ADVISOR CANDIDATE**

Note on Motion Calendar:

NOVEMBER 7, 2014

1 Defendants and Counterclaimants Amazon.com, Inc., Amazon Web Services LLC, and
 2 VADATA, Inc. (collectively, “Amazon”) respectfully move the Court to enter an order to file
 3 under seal Amazon’s Objections to Telebuyer’s Proposed Technical Advisor Candidate. Amazon
 4 brings this motion pursuant to Federal Rule of Civil Procedure 26(c)(1)(G) and Local Civil
 5 Rule 5(g). Counsel for Telebuyer objects to this motion. (Chiu Decl., ¶ 3.)

6 Courts may seal filings that impose “undue burden or expense” on a party. Fed. R. Civ.
 7 Proc. 26(c)(1). Telebuyer’s proposed Technical Advisor candidate is frequently appointed as an
 8 expert or neutral in Eastern District of Texas patent cases, including cases in which Amazon has
 9 been or will be involved. Recognizing the sensitive nature of party objections to such advisors
 10 who may be assigned to cases despite such objections, the Eastern District of Texas has permitted
 11 objections to a technical advisor to be submitted *in camera*. *See, e.g., American Vehicular*
 12 *Sciences LLC v. Subaru of America, Inc.*, Civ. No. 13-cv-00229-JDL, D.I. 52 (E.D. Tex.). And
 13 the public’s need for access to these objections is limited, at best. *Kamakana v. City and County*
 14 *of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (the public has little need for access to documents
 15 that are “unrelated, or only tangentially related, to the underlying cause of action”).

16 For these reasons, Amazon respectfully asks the Court to seal its objections in this action
 17 so as to protect the confidentiality of those objections and, given Telebuyer’s candidate Advisor’s
 18 close connection to the Eastern District of Texas, to provide the same level of confidentiality
 19 that would be afforded in that court.

1 November 7, 2014

Respectfully submitted,

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36 AMAZON.COM, INC., AMAZON WEB
37 SERVICES LLC, and VADATA, INC.

CERTIFICATE OF SERVICE

I, Richard G. Frenkel, hereby certify that on November 7, 2014, I caused the foregoing **MOTION TO SEAL AMAZON'S OBJECTIONS TO TELEBUYER'S PROPOSED TECHNICAL ADVISOR CANDIDATE** to be served on the following parties as indicated below:

<p>Jeremy E. Roller Diana S. Breaux YARMUTH WILSDON PLLC 818 Stewart Street, Suite 1400 Seattle, WA 98101</p> <p><i>Attorneys for Plaintiff Telebuyer LLC</i></p>	<p><input type="checkbox"/> By United States Mail <input type="checkbox"/> By Legal Messenger [X] By Electronic CM/ECF <input type="checkbox"/> By Overnight Express Mail <input type="checkbox"/> By Facsimile <input type="checkbox"/> By Email [by agreement of counsel] jroller@yarmuth.com dbreaux@yarmuth.com</p>
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November 7, 2014

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